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REMARKS

This is a full and timely response to the final Official Action mailed December 20, 2006. Reconsideration of the application in light of the following remarks is respectfully requested.

Claim Status:

Original claims 8 and 17-20 have been cancelled previously. No amendments to the claims are proposed by the present paper. Thus, claims 1-7, 9-16 and 21-28 are currently pending for further action.

Prior Art--Anticipation:

Claims 1-3, 6, 9-11, 14, 16, 23 and 27 were rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,189,105 to Lopes ("Lopes"). For at least the following reasons, this rejection is respectfully traversed.

Claim 23 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input is received; and

a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user.

wherein said identifier comprises a credit card.

(Emphasis added).

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Similarly, claim 27 recites:

A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:
timing a period during which said equipment receives no user input and
placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received;
and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

wherein said identifier comprises a credit card.

(Emphasis added).

In contrast, Lopes does not teach or suggest a system or method for controlling use of a piece of office equipment or a resource available through a piece of office equipment that involves a credit card as an identifier of an authorized user. Rather, Lopes teaches a "proximity badge 100," not a credit card. Lopes teaches that "the computer 130 searches for indication of receipt of a binary coded message from a proximity badge 100. Upon receipt of a binary coded message, the proximity reader 120 compares the received coded message with authorizing codes contained in a secure database in step 204 to determine if the detected proximity badge 100 is authorized to use the particular computer 130 in which the system is installed." (Lopes, col. 4, lines 22-30).

Thus, while Lopes teaches a proximity badge, Lopes does not teach, suggest or even mention the use of a credit card in the manner claimed. Nevertheless, according to the final Office Action, "Lopes teaches utilizing a plastic card as an identifier, a credit card is a plastic card; there is no indication in the claims that the credit card is anything more than a plastic card." (Action of 12/20/06, p. 2). This argument is unreasonable and clearly incorrect. There

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are many examples of plastic cards that are not, and cannot perform the function of, a credit card.

Even those not skilled in this art know what a credit card is. In case the Office is unclear on this point, a credit card is "a card that identifies a person as entitled to have food, merchandise, services, etc., billed on a charge account." (<http://dictionary.reference.com>).

In contrast, a "proximity card" is "a plastic card carrying electronically coded information accessed by holding the card near a reading device. Proximity cards are often used to open doors as part of a security system." (<http://encarta.msn.com/encnet/features/dictionary>). This is entirely consistent with the description of the proximity card described above in the cited portion of Lopes.

Consequently, it is absolutely clear that a proximity card is not, and need not be, a credit card. Applicant has reviewed all portions of Lopes and finds absolutely no mention of a credit card and, certainly, no teaching of a credit card used as an identifier of an authorized user to unlock a piece of office equipment or resource available through that piece of equipment. Lopes does not even mention a credit card.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection of claims 23 and 27 should be reconsidered and withdrawn.

Claim 1 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:

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a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input through a keyboard or mouse, *wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received*; and

a lock control device connected to said piece of office equipment, wherein said lock control device is activated to unlock said equipment upon presentation of a physical identifier of an authorized user to a sensor of said lock control device, said sensor sensing a physical presence of said identifier and recognizing said identifier to identify said authorized user,

wherein said lock control device controls user operation of said office equipment by selectively enabling operation of said office equipment or a resource available through that office equipment based on sensing and recognizing said identifier of said authorized user.

(Emphasis added).

Similarly, claim 9 recites:

A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input through a keyboard or mouse, and *placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input through a keyboard or mouse is received*; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user.

(Emphasis added).

In contrast, Lopes teaches:

A method and apparatus for continuously authorizing a computer for use. A proximity detection system provides a coded message from a badge on an authorized user to a proximity reader in communication with the computer. ... If an authorizing code is not received, a desired feature of the computer (e.g., the display, the keyboard, the mode of the processor) is disabled until the authorized user again enters the proximity zone of the computer.

(Lopes, abstract).

Thus, Lopes teaches disabling the use of a computer upon failure to detect a coded message on a badge, i.e., a proximity card, worn by an authorized user. Given the definitions and explanation above, the Office may now understand what a proximity card is and that use

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of a proximity card and proximity reader does not involve or implicate the use of a mouse or keyboard. Consequently, Lopes does not appear to teach or suggest the claimed system or method including "placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input *through a keyboard or mouse* is received." (Emphasis added).

On this point, the final Office Action argues erroneously that "when the resource such as a computer receives no input it is inherent that the input is received from a keyboard or mouse because these are standard features that are embodied in a computer. In addition Lopes teaches that the detection system can be operated synchronously with a presence or person detection, which is defined as user entry through a keyboard in col. 6, lines 38-50." (Action of 12/20/06, p. 3). This is clearly incorrect.

A standard feature of a computer is to implement a screen saver upon the absence of user input. Clearly, a screen saver does not include "placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input through a keyboard or mouse is received" as claimed.

This is largely irrelevant, however, as the teachings of Lopes expressly operate on entirely different principles that do not involve user input through a keyboard or mouse. Rather, as demonstrated above, Lopes teaches disabling a desired feature of the computer based on the failure to detect the authorized user's proximity card within the proximity zone of the computer. (Lopes, abstract). Lopes does not teach or suggest, nor is it inherent in Lopes, that the computer is placed into a locked state based on a lack of user input through a keyboard or mouse as claimed.

To the extent that the final Office Action thinks this subject matter is inherent, Applicant notes that "the examiner must provide a basis in fact and/or technical reasoning to

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reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (BPAI 1990) (emphasis in original); see also, MPEP § 2112 (quoting *Levy*). In the present case, as repeatedly noted, Lopes teaches a proximity card or badge that communicates with a proximity reader to enable/disable the desired computer feature. Lopes does not teach or suggest, nor does Lopes need or require, placing "said equipment into a locked state upon elapse of a pre-determined period during which no user input *through a keyboard or mouse* is received." (Emphasis added).

Thus, Lopes does not teach or suggest "wherein said equipment automatically enters a locked state upon elapse of a pre-determined period measured by said timer during which no user input through a keyboard or mouse is received." "A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection of claims 1 and 9 and their respective dependent claims should be reconsidered and withdrawn.

Claims 21, 22, 25 and 26 were rejected under 35 U.S.C. § 103(a) over the teachings of Lopes taken alone. This rejection is respectfully traversed for at least the same reasons given above with respect to claims 1 and 9 and for the following additional reasons.

Claim 22 recites:

A system for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said system comprising:
a piece of office equipment comprising a timer for timing periods during which said equipment receives no user input, wherein said equipment automatically

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enters a locked state upon elapse of a first predetermined period of time during which no user input is received; and

a lock control device connected to said piece of office equipment, wherein said lock control device is configured to unlock said piece of office equipment upon presentation of an identifier of an authorized user to a sensor of said lock control device, said sensor sensing and recognizing said identifier to identify said authorized user,

wherein a user initially unlocks said piece of office equipment with entry of at least one password; and

wherein said lock control device then allows said user to unlock said piece of office equipment with presentation of said identifier and without re-entry of said at least one password, said lock control device being active to unlock said piece of office equipment during a second predetermined period of time following entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

(Emphasis added).

Claim 26 similarly recites:

A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising:

timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a first predetermined period during which no user input is received; and

re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user;

said method further comprising:

initially unlocking said piece of office equipment with entry of at least one password;

allowing a user to subsequently unlock said piece of office equipment by presentation of said user identifier rather than re-entry of said at least one password; and

unlocking said piece of office equipment with said identifier for a second predetermined period after entry of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time.

(Emphasis added).

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Thus, claims 22 and 26 recite that a password is entered to initially unlock a piece of office equipment for a predetermined period of time during which a separate identifier can be used instead of the password to unlock the equipment, "with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time."

In contrast, Lopes does not teach or suggest this subject matter. In this regard, the Office Action cites Lopes at col. 5, lines 23-39 and col. 8, lines 10-22. (Action of 12/20/06, p. 8).

Col. 5 of Lopes, as cited, teaches a period of time between checks that seek to detect the presence of a proximity badge on an authorized user. This is entirely without reference to any use of a password or a period of time initiated by entry of a password.

Col. 8 of Lopes, as cited, teaches: "[w]hile all embodiments herein provide continuous security of a computer (as opposed to the conventional method of password entry to provide a one-time authority check), the present invention does not preclude and in fact prefers the use of passwords in addition to the continuous authorization in accordance with the principles of the present invention to provide increased security." This vague statement, however, does not teach or suggest the claimed concept of initially unlocking a piece of office equipment with a password for a predetermined period of time during which a separate identifier can be used instead of the password to unlock the equipment, "with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time."

In this regard, the final Office Action argues that "the use of passwords to unlock computers is well known in the art Lopes invention adds to the use of passwords with the proximity card. The password can be required based on user preferences." (Action of

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12/20/06, p. 3). This attempt at argument does not even actually allege that Lopes teaches or suggests the claimed subject matter.

Just because passwords are known in the art, as are proximity cards, this does not mean that Lopes teaches or suggests Applicant's claimed concept of initially unlocking a piece of office equipment with a password for a predetermined period of time during which a separate identifier can be used instead of the password to unlock the equipment, "with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time."

Thus, Lopes does not teach or suggest the subject matter of claims 22 and 26. Moreover, the final Office Action fails to demonstrate how or where Lopes teaches this subject matter. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these reasons, the rejections of claims 22 and 26 should be reconsidered and withdrawn.

Claims 4, 5, 7, 12, 13, 15, 24 and 28 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Lopes and U.S. Patent No. 6,823,451 to Gulick et al. ("Gulick"). This rejection is respectfully traversed for at least the same reasons given above in regard to the corresponding independent claim.

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Conclusion:

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

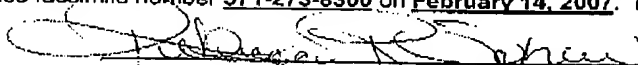
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